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MAILED
FROM DIRECTORS OFFICE
MAR 29 2005
TECHNOLOGY CENTER 3600

In re Application of
Gerald E. Fought
Application No. 10/044,826
Filed: October 19, 2001
For: WHEELCHAIR SUSPENSION HAVING
PIVOTAL MOTOR MOUNT

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 received in the United States Patent and Trademark Office on February 7, 2005.

The petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a response to the Office action mailed April 29, 2003, which set a three-month shortened statutory period. The application became abandoned at midnight on July 29, 2003, and a Notice to that effect was mailed on November 18, 2003.

A petition to withdraw holding of abandonment was filed on August 16, 2004. That petition was dismissed in a decision mailed January 19, 2005 wherein it was held that the petition lacked a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

The renewed petition includes a statement by Nenad Pejic which attests to the personal knowledge of transmitting the response on the date indicated on the Certificate of Facsimile Transmittal. This is sufficient evidence of a timely response.

Since a timely response to the Office action was filed, the holding of abandonment is withdrawn and the application is restored to pending status. The application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, and then to the Examiner for prompt action on the merits of the application.



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SNM/dgd: 3/24/05